UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,189	12/23/2003	Timothy L. Robinson	129510.00001	7287

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EXAMINER
SONG, HOSUK

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 December 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-46</u> is/are pending in the application.

　　4a) Of the above claim(s) <u>8</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-7,9-14,16,17,19,20,22-36 and 39-46</u> is/are rejected.

7)☒ Claim(s) <u>15,18,21,37 and 38</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>23 December 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some *　c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-SB/08) Paper No(s)/Mail Date <u>10743189</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis

for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7,12-14,16-17,19-20,22-36,39-46 are rejected under 35 U.S.C. 102(e) as being

anticipated by Gennaro et al.(US 6,317,834).

Claim 1: Gennaro disclose receiving a portion of user information used to enable the user to

access the restricted area, information presented by a system operator and storing in a database in

association with an identification code portion of user information as a partially enabled user record in

(fig.2 and col.5,lines 1-16). Gennaro disclose communicating the identification code to the user in (fig.5).

Gennaro disclose receiving at a system point of access, a record enablement request including the

identification code and a user biometric sample and storing the user biometric sample with a user record

in (col.5,lines 55-58 and fig.4A,4B).

Claim 2: Gennaro disclose marking user record as active in (fig.7A).

Claims 3,4: Gennaro disclose granting the user access to the restricted area in (col.2,lines 6-20).

Claim 5: Gennaro disclose user system identification number used in conjunction with the user

biometric to identify the user in (col.6,lines 2-13).

Claim 6: Gennaro disclose identification code associated with the user record is chosen by the

system operator in (fig.4A).

Claim 7: Gennaro disclose identification code is digitally read in (fig.4B).

Claim 12: Gennaro disclose identification code is automatically communicated to the user in (fig.7B).

Claim 13: Gennaro disclose system operator associating access parameters with user record in (fig.8).

Claim 14: Gennaro disclose access parameters determine the manner in which the user accesses the restricted area in (col.2,lines 6-21).

Claim 16: Gennaro disclose the system operator associates one or more access parameters with a plurality of user records in (fig.3).

Claim 17: Gennaro disclose restricted area is an area of virtual space in a network in (fig.3).

Claim 19: Gennaro disclose associating one or more managing privileges with user record in (col.2,lines 28-45).

Claim 20: Gennaro disclose allowing the user to partially enable one or more other users to access the restricted area in (fig.3).

Claim 22: Gennaro disclose displaying at the point of access a portion of user information stored as user record at the database prompting the user to confirm displayed information and storing the confirmation presented by the user at the database in (col.5,lines 47-54 and fig.3).

Claim 23: Gennaro disclose if a portion of displayed information is incorrect, the user is provided with an opportunity to present the correct information in (col.12,lines 9-17).

Claims 24,25: Gennaro disclose access includes a record output device for outputting one or more records, the records being configured as one or more of a printed report, a media output to an electronic device and an email in (fig.3).

Claims 26,27: Gennaro disclose system operator is provided with one or more of a record output of the user information stored in system database and a record output of the identification code associated with user record in (col.6,lines 2-13).

Claims 28-29: Gennaro disclose record output is communicated to the user in (col.12,lines 18-38).

Claim 30: Gennaro disclose receiving from the system operator defined access rights for a user of the biometric authentication system and storing defined access rights in association with an identification code as a partially enabled user record in (fig.2 and col.5,lines 1-16). Gennaro disclose communicating identification code to the user, the identification code enabling user to activated user record through the provision of a biometric sample in (col.5,lines 55-58 and fig.4A,4B).

Claims 31-33: Gennaro disclose receiving at a point of enablement identification code; receiving at the point enablement a user biometric sample and determining if identification code matches at least one identification code stored in the database in (col.5,lines 9-16). Gennaro disclose if identification code matches at least one identification code stored in the database storing in the user record associated with identification code the biometric sample and marking user record as active in (fig.1,2)

Claim 34-36: Gennaro disclose receiving at the point of allowance an activity request from the user and accepting activity request if it meets the parameters associated with user record in (col.13,lines 18-30).

Claim 39: Gennaro disclose portion of the user information is pulled from a third party database in (fig.3).

Claims 40,42,44: Gennaro disclose receiving at a system database in a biometric verification network a plurality of portions of user information used to enable a plurality of users to access area and storing portions of user information as a plurality of partially enabled user records in (fig.3). Gennaro disclose generating at the system database a plurality of identification codes each code uniquely associated with a user record selected from a plurality of user records and communicating identification codes to the respective users in (fig.7A).

Claim 41: Gennaro disclose receiving at a system point of access an identification code presented

by one of plurality of users and receiving at system point of access, a biometric sample presented by one

of plurality of users in (fig.3). Gennaro disclose storing at the system database user biometric sample and

marking user record as enabled to access the system in (fig.1,2).

Claim 43: Gennaro disclose generating identification code and communicating generated

identification code to user after pre-enrollment is complete in (fig.4A,4B).

Claim 45: Gennaro disclose inactive user record includes access rights definitions in (fig.7B).

Claim 46: Gennaro disclose defining individual access rights to the restricted area for each of a

plurality of users and storing defined individual access rights in a respective plurality of user records,

each of the plurality of user records having a unique identification code associated therewith in (fig.3,4B).

Gennaro disclose distributing plurality of unique identification codes to plurality of users;identifying a

user record upon receipt of an identification code from an activating user in (fig.4A). Gennaro disclose

activating a user record associated with identification code upon receipt of a biometric sample form

activating user, activation permitting access to active user to the restricted area in accordance with the

defined access rights stored in activated user record in (fig.7B).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gennaro et al.(US

6,317,834) in view of Boebert et al(US 5,596,718).

Claims 9-11: Gennaro does not specifically disclose identification code is digitally read from a

token and an electronic device. Boebert disclose this limitation in (col.6,lines 28-41). It would have been

obvious to person of ordinary skill in the art at time invention was made to employ token device as taught

in Boebert woth biometric system of Gennaro because token device allows portability and user does not

have to remember authentication ID thus preventing lost or forgotten passwords.

Allowable Subject Matter

Claims 15,18,21,38-37 objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base claim and any

intervening claims.

Response to Preliminary Amendment

Please note that last page of Preliminary Amendment (claims) dated 4/15/04 is missing. Applicant
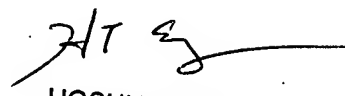
is advised to submit missing page.

USPTO Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should

be directed to HOSUK SONG whose telephone number is 5712723857. The examiner can normally be

reached on mon-fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KIM

VU can be reached on 5712723859. The fax phone number for the organization where this application or

proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained

from either Private PAIR or Public PAIR. Status information for unpublished applications is available

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direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer

Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR

CANADA) or 571-272-1000.

HOSUK SONG
PRIMARY EXAMINER